

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Chapter 7
Bky. Case No. 03-37694

Debra M. Andrews,

NOTICE OF HEARING AND MOTION
FOR TURNOVER OF PROPERTY TO
THE ESTATE

Debtor.

TO: THE COURT, UNITED STATES TRUSTEE, THE DEBTOR, AND HER ATTORNEY:

1. Dorraine A. Larison, Trustee of the bankruptcy estate of the above-named debtor moves the court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m. on September 1, 2004, in Courtroom No. 228A at the United States Courthouse, at 316 North Robert Street, St. Paul, Minnesota.

3. Any response to this motion must be filed and delivered not later than August 25, 2004, which is seven (7) days before the time set for the hearing, or filed and served by mail not later than August 20, 2004, which is ten (10) days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on November 12, 2003. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. § 542(a), and Bankruptcy Rule 9013 and Local Rule 6072-1. This motion is filed under Bankruptcy Rule 9014 and Local Rules 9001-1 to

9001-6 and 9013-1 to 9013-5. Movant requests relief with respect to turnover of information regarding property of the estate and property of the estate.

6. Despite numerous written requests to the Debtor's attorney to surrender information about property of the estate and property of the estate or its value, the Debtor has failed to surrender and continues to withhold the following described property of the estate:

- a. Funds in the amount of \$300 in the Affinity Plus savings and checking accounts on the date of filing;
- b. A copy of the account statement covering the date of filing (November 12, 2003) for the second checking account the debtor testified to owning on the date of filing;
- c. A copy of the debtor's 2003 tax returns, including property tax return and the 2003 tax refunds, if any;
- d. Information concerning a security interest in the 2001 Hyundai Elantra as follows:
 - 1) The name and address of the creditor;
 - 2) The amount owed to the creditor on the date of filing;
 - 3) Documentation supporting the lien; and
 - 4) Documentation showing that the creditor was notified of the filing.

7. The Debtors is required to surrender all property of the estate and information regarding property of the estate to the trustee under 11 U.S.C. § 521(4). The provisions of 11 U.S.C. § 542 require any entity in possession of property of the estate to turn such property over to the trustee.

WHEREFORE, Applicant moves the court for an order directing Debtor to surrender forthwith the sum the property and information described above to the undersigned trustee.

Dated this 21st day of July, 2004.

/e/ Dorraine A. Larison
Dorraine A. Larison
I.D. No. 203609
GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.
1010 West St. Germain
Suite 600
St. Cloud, MN 56301
(320) 252-4414
Attorneys for Trustee

VERIFICATION. I, Dorraine A. Larison, the movant named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: July 21, 2004

/e/ Dorraine A. Larison
Dorraine A. Larison, Trustee

GP:1603513 v1

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Chapter 7
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Debra M. Andrews,

UNSWORN CERTIFICATE OF SERVICE

Debtor.

I, Jean Eisenschenk, declare under penalty of perjury that on July 21, 2004, I mailed the following documents:

**NOTICE OF HEARING AND MOTION FOR TURNOVER OF PROPERTY
AND ORDER**

by first class mail postage prepaid to each entity named below at the address stated below for each entity:

UNITED STATES TRUSTEE
1015 US COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS MN 55415

DEBRA M ANDREWS
PO BOX 451
MORA MN 55051

RICHARD J PEARSON
ATTORNEY AT LAW
PO BOX 120088
NEW BRIGHTON MN 55112

Executed on: July 21, 2004

/e/ Jean Eisenschenk
Jean Eisenschenk
GRAY, PLANT, MOOTY,
MOOTY & BENNETT, P.A.
Suite 600
1010 West St. Germain Street
St. Cloud, MN 56301

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Chapter 7
Bky. Case No. 03-37694

Debra M. Andrews,

ORDER

Debtor.

At Minneapolis, Minnesota, _____, _____.

Upon the motion of the Trustee in this case,

IT IS ORDERED: That the debtors shall turn over to the Trustee, within ten (10) days of this order, the following:

- a. Funds in the amount of \$300 in the Affinity Plus savings and checking accounts on the date of filing;
- b. A copy of the account statement covering the date of filing (November 12, 2003) for the second checking account the debtor testified to owning on the date of filing;
- c. A copy of the debtor's 2003 tax returns, including property tax return and the 2003 tax refunds, if any;
- d. Information concerning a security interest in the 2001 Hyundai Elantra as follows:
 - 1) The name and address of the creditor;
 - 2) The amount owed to the creditor on the date of filing;
 - 3) Documentation supporting the lien; and
 - 4) Documentation showing that the creditor was notified of the filing.

Dennis D. O'Brien
UNITED STATES BANKRUPTCY
JUDGE